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GENEVA BEFORE CALVIN (1387-1536). THE ANTECEDENTS OF A PURITAN STATE

AN examination of the conditions in Geneva before Calvin's arrival in August, 1536, is a logical introduction to a comparative study of the ideals, the development and the practices of the Puritan state in Geneva, and in New and old England.

The problems which present themselves to the investigator of any phase of Puritanism can be satisfactorily answered only after patient investigation of the development of each of these three Puritan states, and careful discrimination between conditions in different states and at different periods. The far-reaching questions involved in the study of the rise of modern democracy, the results of the Protestant Revolt, and the causes of the French Revolution demand the same careful comparative treatment. Is there any tangible, historically demonstrable, relation between the two revolts? What contribution was made by the Puritan state, on the one hand, to the development of liberty, self-government, democracy, equality, right of revolution, spirit of free inquiry, higher moral and social sense; and, on the other hand, to the development of inquisitorial government, intolerance, aristocracy, hypocrisy, individualism, barren intellectuality? In the Puritan commonwealths of the sixteenth and seventeenth centuries, what were the respective functions and relative powers of State and Church, and the theoretical and the actual basis of membership in each? What was the Puritan attempt at solving the perennial problems of national expansion and treatment of subject classes or peoples, federation and rights of local self-government? What were the distinguishing characteristics, and the measure of success and failure in each Puritan state? Is there any fundamental unity of aim and method in the Puritan commonwealths that distinguishes them from other states? What enduring contributions for good and ill did the Puritan state make? These are some of the problems that arise and demand historical and comparative treatment in order to be answered.

To such a comparative study, this investigation of the history of Geneva before it came under Calvin's influence is a necessary preliminary. Geneva was at once independent, Protestant and republican. No other state possessing these characteristics has both so

early an origin and so wide an influence. The city is small enough to make possible a clear picture of the beginnings and organization of a Protestant republic; and on most points there is ample contemporary evidence. Yet Genevan history, and especially the period before Calvin, has never in English been treated with accuracy and fullness.¹

Geneva, with its mass of contemporary documents in manuscript and print, presents the material for a fascinating study of the genesis of a state, a bit of historical investigation with all the charm of biography. There are almost daily records of the legislative, judicial and executive acts of the civil authority, weekly records of church discipline, and memoranda of pastors' meetings.² The actors in the struggle, the picturesque Bonivard,³ "Prisoner of Chillon," the tolerant Syndic Balard,⁴ the hot-blooded reformer Fromment,⁵ the Calvinistic secretary of the council Roset,⁶ the graphic nun in

¹ No modern and scholarly history of Geneva, even in the time of Calvin, exists in English. The histories of Spon (trans. 1687) and of Lemercier ("Boston, New England, 1732") are quite out of date. Henry's *Life of Calvin*, still the most scholarly available in English (translation from the German), was finished in 1844, before the publication of the important documents and secondary works named below, and is distinctly favorable to Calvin and inadequate regarding Genevan institutions. The accounts in Baird's *Beza* and in Schaff's *History of the Christian Church* are modern, but from their nature give but little on the history of Geneva. The influence and importance of Geneva have been in English more eulogized than traced.

² At the *Archives d'Etat* in the Hôtel de Ville, especially useful are: the invaluable *Registres du Conseil* from 1409, containing records of meetings of all four councils, including discussions, votes, elections, laws, trials; the 5,319 *Procès Criminels et Informations* (indexed), A. D. 1396-1700; the *Pièces Historiques*, A. D. 934-1813, containing 5714 indexed numbers (*pièces* or *dossiers*), acts, diplomatic documents, etc. The almost illegible *Registres du Consistoire*, beginning Feb. 16, 1542, are at the *Consistoire* of Geneva; the carelessly kept memoranda of the *Compagnie des Pasteurs et Professeurs*, with many *lacunae*, from 1546, at the same building. (See H. V. Aubert's article in *Bulletin de Soc. d'Hist. et d'Archéol. de Gen.*, II. 3, p. 138, ff. (1900).) The first four volumes of the *Registres du Conseil* (1409-1461) have been published by E. Rivoire (Geneva, Kündig, 1900). Extracts, with some documents in full, are printed in Turrettini and Grivel, *Les Archives de Genève, Inventaire des Documents Contenus dans les Portefeuilles Historiques et les Registres des Conseils*, 1528-1541, Geneva, 1877. A considerable number of extracts from the *Registres* are to be found in: Grenus, *Fragmens Biog. et Hist. sur Genève* (1815); the appendix (219 pp.) of Revilliod's ed. of Fromment; Cornelius, *Hist. Arbeiten*; Rilliet et Dufour, *Le Prem. Cat. Franç. de Calvin*, 1537 (1878); Herminjard, *Corr. d. Ref.*; and the valuable "Annales" (*Calv. Opera*, XXI.); the last four with modern accuracy. Full titles below.

³ F. Bonivard, *Chroniques de Genève* (to 1531), (Ed. Revilliod, 1867); also his *Advis et Devis de l' Ancienne et Nouvelle Police de Genève* (1560), (1847). The place of publication is Geneva unless otherwise indicated.

⁴ J. Balard (Le Syndic), *Journal ou Relation des Événements qui se sont passés à Genève de 1525 à 1531.* (Mem. et Doc. de Soc. d'Hist., X. [ed. Chaponnière], 1854.)

⁵ A. Fromment, *Les Actes et Gestes Merveilleux de la Cité de Genève*, etc. (1532-1536 [ed. Revilliod], 1854.)

⁶ Michel Roset, *Les Chroniques de Genève.* (Ed. Henry Fazy, 1894.)

exile Jeanne de Jussie,¹ with their varied points of view, describe with dramatic power the scenes they witnessed. The reformers in their almost daily correspondence give a more personal record of motives as well as acts.²

The following preliminary sketch may serve to outline with some historical perspective two things :

1. The development of Genevan political independence (1387–1536) and religious reform (1532–1536).

2. The resulting institutions and character before Calvin's arrival in August, 1536.

After the varied fortunes of an ancient Roman and a medieval imperial city, Geneva, at the close of the thirteenth century, was under the threefold government of bishop, *vidomne*, and commune. The bishops, in times of shifting political power, had, by feudal concessions, become the lords (*dominus*) of the city under the emperor as suzerain. The *vidomne* was the bishop's deputy (*vicedominus*) for the execution of temporal justice. At the close of the thirteenth century, the house of Savoy after long conflict had won the feudal office of *vidomne*, which it held of the bishop nearly two centuries and a half (1290–1525). Lastly, the commune, the body of citizens, elected its syndics possessing limited administrative powers.

¹ Jeanne de Jussie, *Le Levain du Calvinisme, ou Commencement de l'Hérésie de Genève*. (Chambéry, about 1640. With notes by Grivel and Th. Dufour, 1865.)

² Two invaluable pieces of patient scholarship : Baum, Cunitz, and Reuss, *Calvini Opera*, 59 quarto vols. (Braunschweig, 1863–1900.) Vol. XXI., under head of "Annales," contains extracts from Registers of Council and Consistory and other documents ; Herminjard, *Correspondance des Réformateurs dans les Pays Français*. (9 vols., 1886–1897.) Many extracts from documents in notes.

Some of the most valuable secondary authorities, based on documents, are : A. Roget, *Les Suisses et Genève ou l'Emancipation de la Communauté Genevoise au 16^e Siècle* (2 vols. in 1, 1864); *Histoire du Peuple de Genève depuis la Réforme jusqu'à l'Escalade* (7 vols., 1870–1883). Extends only to 1568.

J. A. Gautier (Sec. d'État, 1684–1695, 1698–1700), *Histoire de Genève des Origines à l'Année 1691*. (5 vols., 1896 to 1902; now appearing under auspices of Soc. d'Hist. de Genève, with scholarly notes.)

Chas. Borgeaud, *Histoire de l'Université de Genève*, I, L'Académie de Calvin, 1559–1798. (1900.)

E. Choisy, *La Théocratie à Genève au Temps de Calvin*. (1897.) *L'État Chrétien Calviniste à Genève au Temps de Théodore de Bèze*. (1902.)

C. A. Cornelius, *Historische Arbeiten vornehmlich zur Reformationszeit* (Part IV., Zur Geschichte Calvins, 1536–1548, pp. 105–557). (Leipzig, 1899.)

F. W. Kampschulte, *Johann Calvin seine Kirche und sein Staat in Genf*. (Leipzig, 1869, Vol. 1; Vol. 2, ed. by W. Goetz, 1899, after author's death.)

Mémoires et Documents de la Société d'Histoire et d'Archéologie de Genève (27 vols., 1840–1901), and the *Bulletins* of the same Society (1891 and after) are of very great value.

Some of the *Bulletins de l'Institut National Genevois* contain studies of documents.

Both Gaberel (*Histoire de l'Église de Genève*) and the two Galiffes (*Materiaux*, etc., *Nouvelles Pages*, etc.) are unfortunately disfigured by partizanship, Gaberel by inaccuracy.

The commune had sufficiently developed its rights and power by 1387, to win from the prince-bishop the “*franchises*,” the Magna Charta of Geneva, which gave the dignity of law and written constitution to the existing customs.¹ These *franchises* confirmed the right of the citizens to elect four syndics and four other citizens, who together should have entire cognizance of criminal trials of laymen, unless the bishop evoked the cause or pardoned the offense. The four syndics also possessed police powers of the city by night, with watchmen to enforce their orders; investigated and prosecuted violation of the *franchises*, and received the oaths of the bishop and his officers to respect this charter. The bishop as prince had the rights of appeal, pardon, and coining money. His feudal deputy, the *vidomne*, exercised the temporal functions of guarding and executing prisoners and of presiding over an inferior civil court.²

The communal records of the next century and a half (1387–1536) show marked skill in municipal housekeeping and in defense and extension of rights of self-government. Besides the primary assembly of all citizens (*consilium generale*), which elected syndics and acted upon treaties, three indirectly representative councils were developed: the little council (*consilium ordinarium*, or *petit conseil*), the administrative body; the council of sixty, for diplomatic affairs; and the council of two hundred established in 1527 on the model of that of the new allies, Freiburg and Bern, and gradually replacing the sixty.³ There is a strong spirit of independence toward the aggressive Duke of Savoy and even the bishop. But the records also reveal an interesting tendency to concentrate power in

¹ The Latin text of the *franchises* (“*Libertates, franchises, immunitates, usus et consuetudines*”) is printed in parallel columns with the instructive French translation of 1455, with a valuable introduction by E. Mallet, in *Mem. et Doc. de Soc. d'Hist. et d'Arch. de Genève*, II. 271–399. For a brief résumé, see his “Coup d’Oeil Historique et Descriptif sur le Canton de Genève” (B. C. 58–A. D. 1847) in Vol. II. of *La Suisse Historique et Pittoresque* (1855–1856; also separately 1856).

² Articles 1, 8, 11–14, 22, 23, 68.—Bonivard gives a graphic account of *vidomne*’s origin and methods, and of the “everlasting” process of appeals to bishop, metropolitan (Vienne) and pope, in his *De l’Ancienne et Nouvelle Police de Genève* (1560), pp. 3, 8, 22 (ed. 1847). The *franchises* are remarkably liberal and progressive. Interest taking was recognized and protected in four of these articles granted by a bishop of the Roman Church nearly a century and a half before Calvin wrote his luminous defense of interest taking; art. 34, 35, 39, 77. Calvin’s “*De usuris*” is in *Calvini Opera*, X. Part I., 245–249.

³ Rivoire, *Registres du Conseil de Genève*, I. The *consilium generale* and *consilium ordinarium* appear in the earliest extant records; viz., 1409, pp. 2–6. The *consilium ordinarium* consisted at first of sixteen, later of twenty-five, and included the four new and the four old syndics, the treasurer, and eight (later sixteen) councillors. *Ibid.*, 28, 49, etc. The council of fifty (numbered later sixty) was established 1457. *Ibid.*, 167. For council 200, see Gautier, *Hist. d. Genève*, II. 240; Bonivard, *Chron. d. Gen.*, L. IV. C. 10. For fuller statement of functions of councils see writer’s review of Rivoire, *Registres du Conseil*, AM. HIST. REV., April, 1902, p. 547.

the hands of a smaller number of citizens, a sort of open administrative aristocracy of experience. This tendency was recognized at the time, and occasionally thwarted by the primary assembly's assertion of its rights. The council of sixty (or fifty), and later that of two hundred replace the general assembly in delicate matters.¹ In the choice of the councils there is also the same tendency to a less direct election and a more complex coöptation. For example, the election of the council of fifty is transferred from the primary assembly to the little council in 1459;² the little council, originally chosen by the popularly elected syndics is, from 1530, elected by the two hundred, and the two hundred by the little council.³ Aristocratic tendencies in Geneva appear not with Calvin, but during the three generations preceding his arrival.

The first step in the emancipation of Geneva was the struggle against Savoy. This ambitious house, already possessing the office of *vidomne*, and intriguing throughout the fifteenth century to dominate both bishop and commune, excited the latter's bitter hostility in 1519 by the execution of Berthelier, who thus became the early martyr for Genevan liberty. After an apparent triumph in 1525, the Duke of Savoy left the city. In spite of persistent attack and intrigue neither he nor any member of his house was to enter Geneva again. Against Savoy, Geneva appealed to the Swiss, and in 1526 concluded to close political and military alliance with Freiburg and Bern.⁴

In 1528, the council refused to accept the *vidomne* nominated by the duke, instead of by the bishop as prescribed by the *franchises*.⁵ In the absence of any *vidomne*, the council of two hundred assumed

¹ For fifty see Rivoire, *Registres du Conseil*, I. 178, 181-187, 217-218, 288; for two hundred, see acts, cited later, and Mallet, in *La Suisse Hist. et Pittoresque*, 552.

² Rivoire, *Registres du Conseil*, I. 288. After failing in 1458, the two smaller councils succeed in 1460 in nominating syndics for election by primary assembly. See *ibid.*, 258-259, 262-263, 386, 390.

³ H. Fazy, *Constitutions de Genève*, 37-38. Bonivard, *De l'Anc. et Nouv. Police*, 19-22 (1847). For example of election of council by syndics, see Rivoire, *Registres du Conseil*, I. 49, 108, 265-266. For primary assembly's assertion of rights in 1458-1460, see Rivoire, *ibid.*, 258-259, 263 (elections); 303 (meetings and right of complaint); 395-396, 463-465, 468 (taxes). For acts of 1518, 1534, see p. 237, note 2.

⁴ This *combourgeoise* (following that with Freiburg in 1519), renewed with Bern 1558, and 1584 (with Zürich added), was the preliminary to the entrance into the Swiss Confederation, 1814. The Genevan party of independence in 1526 were named *Eidgenots* in imitation of their Swiss confederates (*Eidgenossen*). (Treaty in Archives, *Pièces Hist.*, No. 964; reprinted in Gautier's ed., Spon (1730), "Preuves.")

⁵ The decision was taken successively according to Genevan custom in important matters, by the syndics (May 24), the fifty and the two hundred (June 9), and the primary assembly (*consilium generale*) (June 14, 1528). See Roget, *Suisses et Genève*, I. 298-299, 301; and Balard, *Journal*, 167-169.

the authority for the execution of a criminal in 1528;¹ and in the following year the primary assembly (*consilium generale*) replaced the *vidomme* by a *lieutenant de justice* and four *auditeurs*.²

There remained the power of the vacillating and absent prince-bishop, who, in 1528, had gone over from the side of the commune to that of the Duke of Savoy. After an absence of six years, the bishop was persuaded to return, but after less than two weeks' residence, and in spite of the earnest request of the syndics to aid them in quieting the violent disturbances between Catholics and "Lutherans," he took a hurried departure from the city the night of July 14, 1533, never to return. A month later the syndics denied the right of the bishop to appeal from their decision in criminal cases, saying "we have no superiors." Before the end of the following year, the primary assembly and the two hundred concurred in denying the bishop's right of pardon; the little council declared at the close of a theological dispute that "the sole power was the word of Christ and the sword which he has committed to the powers"; and the syndics and council voted, Oct. 1, 1534, that the episcopal see must be considered vacant.³

From the end of July, 1534, Geneva was fighting to maintain, against the attacks of both duke and bishop, its declarations of independence. The task called for great sacrifice and energy. Bells were melted for cannon, and the suburbs (*faubourgs*) which enabled the enemy to approach were destroyed, in spite of repeated objections of property owners.⁴ Men, if we may believe Fromment, went to church and worked on the fortifications with arms in their hands.⁵ The duke prohibited all sales to Genevans, and the bishop any communication with them.⁶ The Genevans displayed as keen mettle in war as they had in politics, and with the aid of Bern once more showed themselves too strong, too capable of self-sacrifice, for duke and bishop.

¹ Roget, I. 303; Balard, *Journal*, 173.

² 14th Nov., 1529. Roget, I. 341-342.

³ Aug. 8-12, 1533; Feb. 8, July 24, Oct. 1, 1534. Roget, *Suisse et Genève*, II. 76; Gautier, *Hist. d. Gen.*, II. 407; Roget, II. 103, 110, 125.

⁴ The four *faubourgs* were: de Rive, St. Victor, St. Leger, the Corraterie. (E. Mallet, *Rech. sur Pop. de Gen.*, p. 8.) Aug. 23, 1534, two hundred sanctioned order of little council; Roget, *Ibid.*, II. 118 ff. Oct. 25, 1535, indemnity for loss voted. Feb. 28, 1536 (*Registres du Conseil*, Vol. XXIX., fol. 33), the two hundred repeated order and gave permission to anyone to carry off any property (*bien*) to be found. Delayed cases were recorded in Feb., 1537. This destruction of property, and the loss of trade through the duke's prohibition entailed much poverty and suffering in Geneva.

⁵ *Actes et Gestes Merveilleux*, Ch. 44.

⁶ Talking or trading with, or serving, favoring or visiting city under pain of excommunication and 25 *livres*: June 13, 1535, Roget, *S. et G.*, II. 146. This episcopal excommunication preceded by two months the prohibition of the mass by Geneva.

Up to 1533, the struggle had been political, against the duke and bishop as temporal rulers hostile to Genevan chartered rights. But there was another ground for objecting to the régime of the ecclesiastical prince. "There were," says a recent Catholic writer on Geneva, "real and evident abuses to be noted among the Catholics and even among the higher clergy . . . and above all among the monks."¹

But the records plainly show that it was to her ally and protector Bern that Geneva owed not only the preaching, but the final adoption of the Reformation. Bern, which had adopted the reform in 1528, naturally sought to increase her influence with her ally by introducing it into Geneva. In 1532 the desire for reform already existing there was stimulated by the impetuous preaching of Farel and Fromment, the former armed with a letter from Bern. This move was promptly met by complaints by Geneva's other Swiss but Catholic ally, Freiburg, and by the papal nuncio.² For more than three years the skilful councils tried to pursue a middle course between the demands of the two allies, and between the two extreme parties within the city. It is one more instructive picture of the impossibility of that generation's remaining neutral. The mettlesome city that had overthrown the power of the Duke of Savoy might engage to remain loyal to the Catholic faith,³ might forbid preaching unauthorized by the vicar, or "any innovations," and expel preachers; might even vote that "in this matter ('the holy sacraments of the church') each one shall be left in liberty according to his conscience,"⁴ but when Geneva had seen her prince-bishop

¹ *Mem. et Doc. pub. by l'Académie Salésienne*, Tome XIV. (Annecy, 1891, "Permis d'imprimer, 8 Oct. 1890, à Louis, Évêque d'Annecy."), pp. 175-176. On this point, there is substantial agreement between Catholic and Protestant historians; compare the nun, Jeanne de Jussie, *Le Levain de Calvinisme, etc.*, and Kampschulte (*Calvin, etc.*, I. 90-91, 169-170) with the accounts in Bonivard, *Chron.*, I. 90, and the extracts from records in appendix to Revilliod's edition of Fromment, *Actes et Gestes, etc.*, esp. pp. ci-cv.

² Herminjard, *Correspondance des Réformateurs, etc.*, II. 421-426; June 24 and July 8, 1532.

³ *Ibid.*, II. 382. Letter and embassy of Geneva to Freiburg July 6, 1532. They disclaim any intention to go over to "Luthererie" or the "novam legem." It is curious to find the term "Calvinism" applied to Geneva before Calvin's arrival or the publication of his *Institutes*, by an ardent contemporary Catholic born in Geneva, Andrea Cordino, "Relatione di Genevra—particolarmente dall'anno 1535 che ni fu introdotto il Calvinismo" (1624); Archives of Turin (Geneva, Paquet, 14^e, No. 7). Lutheran is the contemporary term of Jeanne de Jussie and of Catholics in Geneva and Freiburg.

⁴ The series of votes is significant. June 30, 1532, the council voted: "Regarding him who preaches the gospel, ordered that for the present the master of the schools (*magister scholarum*) cease reading the gospels and that the vicar (*dominus vicarius*) be requested to order that in all the parishes and convents they preach the gospel and epistle (*epistolam*) of God according to truth, without mingling with it any fables or other human inventions; and that we live in harmony as our fathers have done without any in-

abandon his post, excommunicate her citizens and send soldiers against them, she naturally denied his spiritual as well as his temporal authority.¹ When the choice was forced upon her by her two opposing allies and by the parties fighting within the city, Geneva declared against bishop and papal abuses and in favor of Bern and the "Word of God," two authorities which could be appealed to against both ecclesiastical domination and corruption.²

ventions." Herminjard, *Corr. de Ref.*, II. 425, n. 2, Jan. 2, 1533, after Fromment's attack on Catholicism and declaration that he "would obey God rather than man," the council of two hundred voted: that no one should preach in public or private without the permissions of the syndics and vicar, the syndics to arrest if the vicar neglects his duty. They also voted "because many demanded the word of God" that a preacher who was a Catholic but held evangelical views should preach until Lent. (Roget, *S. et G.*, II. 36; Kampschulte, *Calvin*, I. 122-123.) Mar. 30, 1533 (after letters from Bern urging protection of gospel, Mar. 25, and a street fight between Catholics and Lutherans, Mar. 28), the council of two hundred proclaimed a truce on following conditions: (1) general amnesty; (2) "live in good peace and union with observation of the commandments of God, and as we have lived in the past, without introducing innovations in word or deed, until it be generally ordered to live otherwise"; (3) "no one shall be so presumptuous or hardy as to speak against the holy sacraments of the church but in this matter each one shall be left in his liberty according to his conscience without reproaching one another, be he ecclesiastic or laic, whatever the subject be"; (4) preaching only by license of the "Superior and Messieurs the Syndics and Council"—and the preacher shall say nothing which is not proved by "the Holy Scripture"; (5) no one to eat meat Friday or Saturday or do anything to "scandalize"; (6) no partisan songs touching faith and law; (7) oath to obey regulations under penalty of fine, with added imprisonment and banishment for repeated offenses; (8) no renewal of quarrels; (9) wives and children were to be notified and hostages were exchanged.—*Registres du Conseil*, Vol. XXVI., fol. 52 (it is in French though *Registres* were in Latin then). Quoted in Roget, *S. et G.*, II. 62-63, and in extracts in appendix to Revilliod's ed. Fromment, *Acts et Gestes*, pp. xxi-xxii. But a month later (May 4) in an armed conflict, a syndic was wounded and a canon (Werly) killed (Kampschulte, I. 130-134).

¹ See above, p. 222 and note 3.

² The following summary will suggest the way in which Geneva was forced to take sides with the strongest: Freiburg threatened rupture of the treaty of 1526 if Geneva abandoned old faith and law; to this Claude Salomon (and others) replied Jan. 8, 1534, "he would live according to the Gospel and the Word of God and not the will of man" ("ad votum evangelicum et juxta verbum dominicum non ad dictum hominum"), *Registres du Conseil*, Vol. XXVI., fol. 182^{vo}. (Salomon was important enough to be appointed the first hospitaller, Nov. 14, 1535; Roget, II. 191.) After Geneva's denial of bishop's right of pardon (Aug., 1533, and Feb. and Mar., 1534), and Farel's seizure of a church and preaching therein the "new law," Mar. 1, 1534, Freiburg broke the alliance May 15, 1534. Bern had sent Farel with letters Oct., 1532; sent ambassadors with him Dec. 1533, and then, and in Feb., 1534, demanded permission for gospel to be preached and complained of insults to herself and her religion by Catholics. Bern met Freiburg's threat of breaking alliance with a similar threat, supported by the powerful argument of a demand for 9,900 écus, due for war expenses in defense of Geneva. Under pressure of Bern, council declared (22 Feb., 1534) it could neither grant pulpit nor hinder, "so let them do as they find best." (Roget, II. 99.) Farel preached publicly in seized church Mar. 1, and baptized and married in Apr., 1534. (See Jeanne de Jussie, p. 90.) Images were broken May 23, and thereafter, and the council declared such images should be destroyed according to the law of God, although it punished the unauthorized act of private persons (26th July). The little council declared "The sole power was the Word

The decision forced upon the councils by the riotous image-breaking, in August, 1535, was negative rather than positive, a cautious temporary abolition of the mass without "innovations" or adoption of the reformed faith or worship, but with striking deference to the wishes of Bern. After an appeal by Farel formally to abolish the papal system, the "grand council" of two hundred by a majority vote, and after long discussion, decided: (1) that the priests be called to see if they could justify the use of images and mass; (2) that the destruction of images cease and those pulled down be restored; (3) "in the interim . . . mass should not be celebrated until further notice;" (4) "and that the foregoing be written to the Lords of Bern that upon their response we may proceed more safely."¹ The monks when summoned to justify images and mass said "they were simple men who had lived according to tradition and had never investigated such questions"; and the secular clergy, in accordance with the bishop's prohibition, refused all discussion.² The next day, in the little council, "discussion was held as to finding means to set affairs in good order, especially in the matter of the mass, which many ask to have permitted. Whereupon many say that for the present it is better to postpone the matter a little, than to make haste regarding the said mass, since it would be far better to await the will of the Lords of Bern who understand the

of Christ and the sword which he has committed to the powers" (July 24). The bishop waged open war on Geneva (July 30, Roget, II. 155; Kampschulte, I. 154); the council voted, Oct. 1, 1534, the episcopal see must be considered vacant. 1535 a dispute was held by order of the council between the Reformers and two priests, who went over to Protestantism (June). The bishop forbade any communication with Geneva (June); Farel seized church of Madeleine July 23d; and July 30th he replied to council that he "must obey God rather than man," and asked for a session of council of sixty or two hundred. The council refused council and replied to "said Farel and his associates that they should henceforth content themselves with preaching in the Convent de Rive and church of St. Germain, *on account of certain good and respectable persons* who urge this upon us" ("propter certos bonos Respectabiles nos ad hec monentes"). *Registres du Conseil*, Vol. XXVIII., fol. 98, 30 July. 1535. This is an evidence of the presence and characteristic influence of the conservative element in Geneva. Haller in a letter to Bucer. Sept. 22, 1534, had estimated that two-thirds of Geneva were favorable to pontiff and duke. (Herminjard, *Corr. de Ref.*, III. 209.) Malbuisson was beheaded for making common cause with enemies of city, and a servant executed on charge of attempted poisoning of the reformer Viret (July). Aug. 8, Farel seized and preached in St. Peter's, riotous scenes of image-breaking followed next day, and Aug. 10 council of two hundred temporarily suspended the mass. (*Registres du Conseil*. Vol. XXVIII., fol. 104). For other points in this note without specific references, see the impartial annals (based on the *Registres du Cons-il*) in Roget, *Suisses et Genève*, II. 27, 76, 81 ff., 103, 107-110, 125, 154, 160; also Gautier, *Hist. Gen.*, II. 407, 412. The citations of Roget have been constantly verified and, save for dates, found almost invariably trustworthy.

¹ *Registres du Conseil*, Vol. XXVIII., fol. 104, 10th Aug., 1535. *Interim vero ulterius non dirruatur nec celebratur missa donec cognitio et quod scribantur dominis bernatitus praemissa ut super eorum Responsionem nos tutius conduere valeamus.*

² *Registres du Conseil*, 12 Aug., 1535, quoted in Kampschulte, I. 167-168.

matter more fully.¹ Wherefore it was decided that for the present it be given up for a little ; and that measures be taken to assemble the *consilium ordinarium*, and mature action be taken in the matter, since it seems better for the present to suspend the saying of the mass than to say mass, whence scandal might arise." To Peter Lullin, who requested "that it might be permitted to say mass, as heretofore in this city mass was said, because there are many who wish to have the mass," the council gave a similar temporizing reply, Sept. 2 : "As to this, it was decided that news be awaited from the Lords of Bern that it may be seen in what way it is better to proceed."²

The acts and the manner of procedure of the magistrates and councils from August, 1533, to August, 1535, in denying the authority of the bishop and avoiding the Scylla and Charybdis of both mass and image-breaking, are clearly the expression of a political policy, and not of a profound religious conviction. It is the policy of independence, of safeguarding of rights. The council gradually yielded to the strongest and most logical combination against bishop and duke,—Bern and the determined and aggressive party of reform and independence. The Puritan spirit of unflinching enforcement of the word of God was quite absent from the state, which was not yet even formally Protestant in 1535. But though the state, acting through its semi-representative councils, was concerned rather with self-preservation and public order than with religious reform, there was a considerable party with vigorous leaders like Farel and Porral, who had convictions and intended to accept no half-way measures.³

The Vicar-General and the few remaining canons, and the Sisters of St. Clara and many of the monks and parish clergy recognized that the papal system was doomed and left the city soon after the mass was abolished.⁴

¹ *Cum forte melius sit expectare voluntatem dominorum Bernatium qui sanius Rem intelligunt. Registres du Conseil*, Vol. XXVIII., fol. 108^{vo}, Friday, Aug. 13, 1535. Only 12 names out of the full number of 25 are recorded as present.

² *Registres du Conseil*, Vol. XXIX., fol. 120.

³ Evidence of this is naturally found rather in the correspondence of the reformers than in the acts of the council ; but it is also shown by the successes of Farel in the successive seizures of churches and triumph over the orders of the little council and in the image breaking. But Protestants were probably still in the minority in August, 1535.

⁴ The nun Jeanne de Jussie's account (*Le Levain de Calvinisme*) of the departure of the sisters (Aug. 29, 1535) is written clearly and vigorously, and throws much light on the condition of affairs, frankly admitting abuses in the church. Many of the canons had withdrawn before. On the condition, especially of the cathedral clergy, see articles on history of the chapter by a member of the present Catholic chapter at Annecy in *Mem. et Doc. pub. p. l'Acad. Salésienne*, XIV. See above, p. 223, note 1.

The two councils at once assumed the lapsed civil functions of the bishop and chapter. The council of two hundred, the same day that it suspended the mass, took action to retain possession of ecclesiastical property, which it feared the clergy might take away.¹ The two hundred established a hospital endowed with the property of churches and monasteries, and the primary assembly approved the administrative measures taken by the little council, elected a hospitaller, prohibited begging, and ordered special watchmen to compel beggars to go to the hospital.² The consolidation of the two prisons was ordered; and the two councils assumed the episcopal privilege of coining money, establishing a mint, appointing its officers and criticizing the money struck.³

In 1536, the councils undertook wider functions, the civil and religious reorganization of territory lying outside the city and formerly subject to the ecclesiastical or ducal authorities. The *mandements* of Thiez and Gaillard offered fidelity to Geneva, if no changes were made in the customs or the church (Feb. 11). The introduction of the reformation into the outlying and newly subject villages was taken in hand by the council under pressure from Farel. The council provided preachers and church bells, and ordered proclamations like those in the city, concerning obedience, adultery and blasphemy.⁴ The *procureurs* and priests of the rural communities were exhorted by Farel, and given by the council a month to read the gospels and decide whether the evangelical doctrine of Geneva was the true doctrine. The *procureurs* were commanded to order all parishioners to go to sermon, and the mass was forbidden by the council⁵. The council even went so far in its assumption of ecclesiastical powers as to reassure excommunicated parishioners that it held them absolved.⁶ The organization of justice was provided for

¹ *Registres du Conseil*, Vol. XXVIII., fol. 104, Aug. 10, 1535. To make an inventory of "Jura et Jocalia" and "omnia bona ecclesiarum" two syndics were appointed for St. Peter's, and the little council was directed to appoint men for the other churches.

² *Registres du Conseil*, Vol. XXVIII., fol. 152-153, quoted in Gautier, *Hist. Gen.*, II. 465, and Roget, II. 191. 29 Sept., 5 Oct., and 14 Nov., 1535.

³ Nov. 24, etc., 1535; Roget, II. 190.

⁴ Mar. 10, 1536. Mar. 24, bell to Satigny and preacher there and to "Cillignies"; for acts on these and later dates, see the valuable extracts from the *Registres du Conseil* and other documents, in the "Annales" contained in the standard Baum, Cunitz and Reuss edition of *Calvini Opera*, XXI. 197-198.

⁵ *Registres du Conseil*, Apr. 3, 1535, in *Calvini Opera*, XXI. 198.

⁶ *Registres du Conseil*, 4 Apr., 1536, in Herminjard, *Corr. d. Ref.*, IV. 26. "Regarding the report by our *chastelain* of Thiez that the people of Thiez have doubts about presenting themselves in church at this next Easter (16 Apr.) because of some letters of excommunication which have been issued against some, for which they desire the relief of absolution . . . Resolved, that there be written a patent to the vicars of the said district (*mandement*) that we hold them for absolved."

in a vote of the two hundred ordering the new subjects to choose in each *châtelerie* a *lieutenant du châtelain* and *auditeurs* to hear causes and to conduct the *procès* in the common tongue.¹ Evidently the two councils, the "government," regarded themselves in general as the heirs of the powers of bishop and *vidomne*, subject to the *franchises* and the ultimate decision of the primary assembly.² But the civil and ecclesiastical government of the new possessions they proposed to administer as the lords (*seigneurie*) of the land, unbound by the *franchises*, and without seeking the sanction of the primary assembly or establishing democratic institutions or local self-government. The dependent villages were administered by six *châtelains* chosen from the members of the little council.³

But these new possessions caused bloody conflicts of parties within the city, and years of strife between Geneva and Bern.⁴ Feb. 5, 1536, the chiefs of the Bernese army which was then at Geneva, fighting once more against Savoy, asked the syndics for the old rights of the bishop and the functions of the *vidomne*. The protector desired to become the suzerain. At this the old mettlesome spirit of Geneva blazed out. The syndics promptly refused and were supported with ardor by the councils. "We have endured war against both the Duke of Savoy and the bishops, for seventeen to twenty years . . . not because we had the intention of making the

¹ May 13, Roget, *S. et G.*, II. 233. The provision for use of common tongue follows the similar provision for court of *vidomne* or his lieutenant in the Genevan *franchises* of 1387, Art. I. French began to replace Latin in the *Registres du Conseil* Feb. 6, 1536, though a considerable number of records in Latin occur during the year.

² Additional proof of this increase of powers of the two councils and of a consequent aristocratic tendency in government (as councils were chosen by coöptation) will be found in actions of councils cited later. The very primary assembly that nullified bishop's right of pardon also renewed and confirmed the fullest powers (*omnimoda potestas*) to the council of two hundred. Feb. 8, 1534. *Registres du Conseil*, Vol. XXVI., fol. 210^{vo} and 210^{bls}.

³ Gautier, II. 501. The new subjects were granted right to choose *lieutenant* and *auditeurs*, for the inferior court, but from this the final appeal came to the little council, the *seigneurie*. This oligarchic or aristocratic policy is carried out later, and laws are passed, officers and preachers appointed by the Genevan councils, in none of which did the outlying territory have representatives. Nor did the councils even refer decisions to the primary assembly of Geneva. See the interesting proclamations for the *mandement* of Jussie made by "Messieurs" (i. e., the little council) and published by the "châtelain," J. Lambert, 22 Sept., 1539 (archives; *Pièces Hist.* No. 1221, printed in Turrittini et Grivel, *Archives de Genève*, pp. 235-238) "containing ordinances moral, civil and religious in 24 articles." See also the "ordinances as to the 'police' of the churches depending on the Seigneurie of Geneva," Feb. 3, 1547, in *Calvini Opera*, X. 51 ff.; also acts of Feb. 18, 21, Apr. 4, 7, May 12, 13, 22, Mar. 21, Oct. 6, Dec. 19, 1544, *Calv. Op.*, XXI, under these dates.

⁴ The *articulans* or *artichauds* of 1539-1540, and the executions and banishments of 1540. Cf. also the feeling toward the "quitters" (*Quitanciers*) who signed treaty of 1544. (Feb. 15.)

city subject to any power, but because we wished the poor city which had so much warred and suffered to have its liberty" (*pour estre en liberté*), was the characteristic reply of the little council.¹ Bern was eventually obliged to yield to the stubborn determination of Geneva to be independent in the administration of the city and the newly acquired villages. August 7, 1536, by a treaty so vaguely formed as to lead to eight years of conflict, Bern acknowledged the right of Geneva to exercise the powers of bishop and duke, and to possess the lands formerly dependent on the bishop, the cathedral chapter, and the priory of St. Victor. Geneva had won independence from enemies and friends. It was not merely a city but an acknowledged, independent republic with nearly thirty dependent villages.² August 8, Geneva received the joyful news "that we are princes."³

By 1536, and before Calvin's arrival, the councils had also assumed the entire control of morals and religion which they had formerly shared with the ecclesiastical authorities. Even before the formal suspension of the mass, the council had at the exhortation of Farel prohibited the dances called *viroulet*.⁴ The proclamation passed by the two hundred Feb. 28, 1536, especially for the regulation of taverns—a very vital question after the suppression of the monasteries—was afterwards regarded as a sort of outline of

¹ *Registres du Conseil*, XXIX. fol. 12. Compare Roget, *S. et G.*, II. 214–217 and Gautier, II. 496–498. Syndics Feb. 5; little council Feb. 15; two hundred Feb. 17, 1536. Roget, II. 215, is in error in assigning action of Feb. 15 to two hundred. It was in the after-dinner session of the little council (*conseil ordinaire*). See *Registres du Conseil*, Vol. XXIX., fol. 12^{ro} and cf. fo. 11^{ro}.

² In 1544, preachers were sent to 26 villages. See list in *Genève Ecclésiastiques, ou Livre des Spectables Pasteurs et Professeurs*, pp. 16–48 (1861). J. L. Mallet names 28 villages subject to Geneva in 1536; viz., 12 formerly subject to bishop in *mandements* of Jussy (to N. E.) and Peney (W.); 2 to "chapter"; 5 to Priory of St. Victor; 9 to *mandement* of Gaillard. (Duke of Savoy, S. E.) ("Extraits fait par J. L. Mallet des Ext. d. Reg. par Flournois.") MSS. in Bib. Publique de Genève. This extract made by Mallet from *Registres*.) "St. Victor and Chapter" is the phrase used to describe the lands later in dispute. Geneva, however, was obliged to agree: (1) to pay 10,000 *écus*, the balance due Bern for military defense; (2) to make no alliance without the consent of Bern; (3) to grant to Bern, Gaillard and dependencies, Convent Belle-rive, Cholex and all territories lying outside the city, conquered by Bern, formerly belonging to Savoy or granted to church by Savoy. Bern agreed to extend Geneva's boundaries in the direction of Gaillard and Gex. Gautier, II. 520, names 7 villages thus included. It was during this war that Chillon was captured by Bern and Geneva, May 29, 1536, and Bonivard released. The treaty (original with seals, and 2 copies) is in the Archives, *Pièces Hist.*, No. 1157; reprinted in Gautier's ed. Spon (*Hist. de Gen.*) "Preuves," no. 61 (1730).—(See also Roset, *Chroniques de Genève*, L. III., ch. 70; Gautier, *Hist. de Gen.*, II. 517–520; Roget, *S. et G.*, II. 237–238.)—It contains an ambiguous reservation by Bern (Art. IV., Pt. II.) of "appeals (*appellations*) if any are found to have gone before the Duke and his council or his officers of justice."

³ Roget, *S. et G.*, II. 238.

⁴ Apr. 13, 1535. Roget, *Hist. du Peuple de Genève*, I. 5.

police regulations of the state.¹ The printed placard prohibited:— blasphemy ; profane oaths ; playing at cards or dice ; protection of adulterers, thieves, vagabonds and spendthrifts ; excessive drinking ; giving drink to anyone during sermon, and especially on Sunday (unless to strangers), or after nine in the evening ; entertaining strangers more than one night without notification to captain or tithing men (*dizeniers*) ; selling bread or wine save at reasonable, established prices ; and unauthorized holding of taverns.² The council forbade the observance of any holiday (*festa*) save Sunday³ ; ordered all inhabitants to attend sermon, quoting the fourth commandment and laying down a penalty of three *sols*⁴ ; forbade brides to come to weddings with head uncovered, on the complaint of a preacher that it was contrary to “the holy scripture” ;⁵ forbade private persons to baptize or perform the marriage ceremony and punished several offenders.⁶ The tithing men (*dizeniers*) were ordered to forbid anyone’s hearing mass or performing papal sacrament “as contrary to the ordinance of God”⁷ within or without the city ; and those who did so were to be considered enemies.⁸ Several priests who said the mass contrary to the order were released from

¹ *E. g.*, in vote of primary assembly, June 17, 1540, refusing increased penalties and declaring the proclamation of the last day of Feb., 1536, sufficient if enforced. (*Registres du Conseil*, Vol. XXXIV., fol. 301 ; *Calv. Op.*, XXI. pp. 258-259.)

² The vote in the *Registres du Conseil*, Vol. XXIX., fol. 33, differs slightly from the printed broadside (20 x 30 cm.):, Archives, *Portfolio de Pièces Historiques*, No. 1161; “Ce que les Hostes ou hostesses obseruerôt et feront obseruer che eulx sur la peyne contenue en la Crie faict le dernier Iour de Februrier, Lan Mil cccccxxxvi.” The vote in the *Registres* begins with the prohibition of unauthorized keeping of tavern, and does not contain specific prohibition of protection of adulterers and thieves and spendthrifts (simply “estrangiers ny gens vagabundes”), or of excessive drinking. This “edited” revision, in putting the prohibition of blasphemy, etc., first, and adding the above prohibitions, emphasizes the moral features of the law. The penalties for lodging “strangers or vagabonds” without notification were 5 *sols* and loss of bread and wine for first offense, 60 *sols* for second, and ten florins and loss of right of keeping tavern for third offense.

³ *Registres du Conseil*, Vol. XXX., fol. 15. June 13, 1536.

⁴ *Ibid.*, fol. 15^{vo}, June 16. (Roget, *S. et G.*, II. 235.)

⁵ *Registres du Conseil*, Vol. XXIX., fol. 92; 28 Apr., 1536. In *Calvini Opera* XXI. 200. The complaint was made by the preacher “Cristoffle” (Libertet), who refused to marry “save as the holy scripture prescribes.” This interpretation of scripture was reversed after Calvin’s exile. *Calvini Opera*, XXI. 227, Apr. 26, 1538.

⁶ Six cases are recorded in the month of Feb., 1536. *Registres du Conseil*, Vol. XXIX., fol. 26, 23 Feb., 1536:—two marriages; also one baptism by an uncle, a pastry cook ; another by a midwife (*ostétrice*); voted to summon and punish the baptizers. *Registres du Conseil*, Vol. XXIX., fol. 31, Feb. 25, parents confer baptism, “not thinking to do harm”; no punishment recorded. *Registres du Conseil*, Vol. XXIX., fol. 32, 26 Feb., a “*Dom(inus)*” under detention “swore not to baptize, marry or perform other sacrament without commandment of ‘Messrs. the syndics and council.’”

⁷ *Registres du Conseil*, Vol. XXIX., fol. 61, 65, quoted in *Calvini Opera*, Vol. XXI., pp. 197-198, Mar. 24, Apr. 3, 1536.

⁸ Roget, *S. et G.*, II. 22, Mar. 24, 1536.

prison only under the provisos that they should "confess their misdeed before everyone at the Sunday sermon"; "that their property should be returned to them, save their arms, and from thenceforth they should live according to God (*selon dieu*)."¹ But a priest, who confessed he had celebrated mass several times after swearing not to, asked pardon in vain and was ordered to prison.² "Girardin de la Rive, having had his infant baptized at Ternier by a priest, was condemned by reason of the offense which he had made against God and the proclamations to be banished to the place where he desires to do such things."³ "Blue laws," or interfering regulations concerning religion and morals were not an invention of Calvin nor of the Puritan state. They were rather the *sequelæ* of the Middle Ages. They are the attempts of the new Protestant state to take over the personal supervision exercised by the medieval church, state and gild.⁴

There was no tolerance even for such a patriotic and broad-minded Catholic as the former syndic Jean Baland, who, when asked by the council (at the instigation of Farel) why he refused to hear the word of God, "replied he believes in God who teaches by his own spirit but he cannot believe our preachers. He said we cannot compel him to go to sermon against his conscience . . . since we

¹ *Registres du Conseil*, Vol. XXIX., fols. 105, 107, May 12, 16, 1536.

² *Registres du Conseil*, Vol. XXX., fol. 27, July 13, 1536, quoted in *Calvini Opera*, XXI. 202.

³ *Registres du Conseil*, Vol. XXX., fol. 16, 17th June, 1536. For some reason the stern logic of this vote was not carried out, and de la Rive appears, in 1536-1537, among the "opposition" to the clerical party.

⁴ In Geneva, such legislation antedated not only Calvin but the Reformation: 9 Jan., 1481, disguising or making *charivari*; 3 Jan., 1492, dances or other amusements with instruments without permission of justice; Aug 11, 1506, playing in streets at dice, bowls, cards (proclamation by permission of vicar); Feb. 23, 1515, playing "au brelaud"; 19 Apr., 1524, "épouse de May" and public dances; Aug. 7, 1526, "chansons déshonnêtes et satiriques" (penalty of imprisonment)—were all prohibited by little council (*consilium ordinarium*). (See "Extraits d. Edit. Reg. et Wages, 1309-1722," in *Archives of Geneva*, pp. 18, 28, 31, 35, 36.) May 27, 1524, *ibid.*, p. 35, "Those without profession or not exercising them to leave the city and suburbs in three days"; Mar. 14, 1430, "no one to play before celebration of mass"; Item,—"no one to play ad cisionem panis," *Reg. du Conseil*, ed. Rivoire, I. 133. Nov. 30, 1490, no playing in public places during divine service and no *ludos communes* in houses; Mar. 5, 1530, no blasphemy of name of God and His glorious mother, no playing in streets or public places at cards or bowls during sermon and divine service (no pardon). (Roget, *Hist. d. Peuple de Gen.*, I. 6.) The proclamation against cards, bowls and dice occurs again in 1507-1508 (*Reg. du Conseil*, XV.). The frequent prohibitions of these numerous favorite amusements (eleven) cited above, suggests the pleasure-loving quality of the Genevans. They occasioned much legislation during the Reformation. Prices of wine were regularly settled in November meeting of *conseil général* and occasionally at other times, and regulations regarding food and hours of sales were often passed. See *Registres du Conseil*, Rivoire, I. 74, 117, 120, 268, 396. For such legislation elsewhere, see J. M. Vincent, "European Blue Laws," in *Ann. Rep. Amer. Hist. Assn.*, 1897, 356-372.

said ourselves at the beginning of these affairs that no one could dominate our conscience.”¹ His interesting creed which he then repeated still exists in his own hand, on a scrap of paper, sewn with a faded red thread to the records of that day. “I desire to live according to God’s gospel, but I do not wish to follow it according to the interpretation of any private persons, but according to the interpretation of the Holy Spirit through the holy church universal in which I believe. Balard.”² “Asked to say whether he is not willing to go to sermon, he replies that his conscience does not allow him to go there, and he does not wish to do anything contrary to that, for this reason,—because he is taught by a higher power than such preachers. Having heard all this it was ordered that if he did not obey the proclamations and go to the sermons, he must leave the city within the next ten days.” The council voted three weeks later, “that if John Balard refused to go to hear the sermon he should be imprisoned and every day conducted to sermon; and that the like be done in case of all others”;³ it recorded further complaints against him and five others, September 4.⁴ Although in his patriotic desire that his “body be united with the body of the city as a loyal citizen should be,”⁵ Balard evidently yielded later and held important offices, he was in 1539 again ordered to leave the city in ten days for refusing to say the mass was bad. He gave the quaint and pathetic reply “that he is unable to judge but that since it is the will of the Little and Grand Council that he should say the mass is bad he says the mass is bad and that he is worse to judge boldly of that of which he is ignorant and he cries to God

¹ An allusion probably to the vote of Mar. 30, 1533; see above, p. 223, n. 4, art. three of this vote.

² “*Je veulx viure selon levangille et ne veulx pas user selon l’interpretacion daucuns pticuliers Mais selon l’interpretacion du saint esperit par la saincte eglise vniuerselle en qui Je croye.*” —This is a *verbatim et literatim et punctuatuatim* copy, from the *Registres du Conseil*, Vol. XXX., fol. 32, July 24, 1536. It is to be wished that the secretaries had written as good French and as clear a hand. The records for this session, *e. g.*, are partly in bad Latin, partly in bad French. The Registers of the council have no punctuation or accentuation, and no system of capitalization whatever. The editors of the *Calvini Opera* (Baum, Cunitz, Reuss) change the capitalization, and add punctuation; Herminjard (*Corr. d. Ref.*), Rilliet et Dufour (*Premier Cathéchisme*), the editors of Gautier (*Hist. de Gen.*), and M. Dufour-Vernes, the present archivist of Geneva, add also accents. All write out the constant abbreviations.

³ *Registres du Conseil*, Vol. XXX., fol. 40, August 15, 1536. Reaffirmed by council sixty, next day.

⁴ *Registres du Conseil*, Vol. XXIX., fol. 53. P. Lullin, J. Philippe, J. Balard, Cl. Richardet, J. Malbuisson, B. Offischer. The first four of these failed of re-election to the council in following year. But Richardet and Philippe were leaders of the “opposition,” and were elected syndics and aided the exile of Calvin and Farel, 1538. Richardet pled for tolerance Sept. 4, 1536; and two months later was elected *lieutenant de justice*.

⁵ Dec. 22, 1539. See note 1, p. 233.

for mercy and renounces Satan and all his works." Not content even with this, the council finally wrested from him its required "affirmative or negative answer," "The mass is bad."¹

It is a sadly significant picture—an honored and sane magistrate and not a fanatic, nobly pleading for broad tolerance and freedom of conscience, but compelled to submit his religious convictions to the apparent political necessities of his day. As patriotic as he was tolerant, the statesman sacrificed his theology to his patriotism and remained to serve his state.² The story of Balard, instructive in itself, is still more significant because of its date. The first inquisition, in July, 1536, occurred before Calvin settled in Geneva, the final one, in 1539, during Calvin's exile when his anti-clerical opponents were in power. Calvin found Geneva and Europe intolerant; he did not make them so.

The councils, though exercising full power in religion and morals, consulted the "preachers." They sought and heeded the latter's advice regarding such matters as brides' head dress;³ marriage causes "necessitating consultation of the Scriptures";⁴ introduction of the reform into the new possessions; summons of Balard; and improvement of faith, education and morals.⁵ They also voted to "feed, clothe and support" the preachers upon the property of the parishes "both of the city and of our land."⁶

The increased judicial functions of the little council, as the supreme court, after the abolition of the bishop's jurisdiction in

¹ *Registres du Conseil*, Vol. XXXIII., fols. 400^{vo}, 401-402, Dec. 22-24, 1539. Parts of the process are to be found in *Calvini Opera*, XXI. 203. The account, with extracts, is correctly given in Roget, *S. et G.*, II. 243-246, and Roget, *Hist. du Peuple de Gen.*, I. 158-160. The passages are reprinted from *Registres* in J. J. Chaponnière's introd. to *Journal du Syndic Jean Balard*, pp. lxvii-lxviii, lxxiv-lxxv. (*Mem. et Doc. de Soc. d'Hist. de Gen.*, X. (1854).) Gautier, *Hist. Gen.*, III. 54, seems to have failed to note the council's relentless insistence, and the final reply of Balard, and is therefore led into error of attributing tolerance to the council. (See *Registres du Conseil*, Vol. XXXIII., fol. 402^{vo}; "Puis appres az confesse laz messe estre mauvayse," Dec. 24; and reaffirmation Dec. 26, before two hundred.)

² J. Balard, the author of a valuable *Journal* (1525-1531), had been syndic in 1525-1530 (*Jour. de Balard*, ed. Chaponnière, pp. xiv-xxxv, *Mem. et Doc. Soc. d'Hist. d. Gen.*, Vol. X.). He was afterwards in little council in 1531-1536, and 1539; frequently in two hundred; regularly in sixty, from 1546. The day of Calvin's return from exile (13 Sept. 1541), Balard was made one of six councillors to "confer" with "preachers" and draw up the *ordonnances ecclasiastiques*, replacing Goulaz of dubious reputation.

³ See above, p. 230, note 5.

⁴ *Registres du Conseil*, Vol. XXIX., fol. 113, May 23, 1536. "Mariage . . . pour ce que cest chose presante un besoigne entendre les escriptures, est arreste que lon demande les predicans en conseil pour veoir sur ce affaire leur opinion."

⁵ See above, p. 227, note 4; p. 230, note 7; below p. 235, and note 1.

⁶ *Registres du Conseil*, Vol. XXIX., fol. 103, May 10, 1536.

1534, gives further evidence of the wide range of powers which were concentrating in a small body. In this council of twenty-five men, only five were ever chosen in any one year by the people, and sixteen were elected by a council of their own nominees, the two hundred. The court records indicate that the conditions of the introduction of the Reformation in 1535-1536—the cessation of the old system of religious authority, and the sudden plunge of monks and priests out of religious establishments into a new social order—threatened Geneva within with a difficult social problem, at the time when she was fighting outside with weapons and diplomacy to solve her political problem.¹

For the formal adoption of the religious reform, the action of the primary assembly, the *conseil général*, was regarded as necessary. May 19, 1536, Farel exhorted the council upon the coldness of the people's faith, the need of setting schools in order, and the presence of dissoluteness, "mummeries," songs, dances and blasphemy. The little council replied by advising the two hundred of the need of a *conseil général*. The two hundred called this primary

¹ Sixteen criminal trials are recorded for the year 1535, and six for the year 1536, in the "Procès Criminel et Informations," but these are only the graver cases. The little council frequently dealt with cases in their ordinary sessions recorded in the *Registres* but not in the *Procès*. The *Registres* also record general conditions (e. g., songs sung by bad women, Sept. 5), and proclamations (prohibition of vain songs and fornication, Sept. 8, 1536). In 1536 an adulterer was put three days in the dungeon ("crotton"), while the adulteress was banished (Roget, *S. et G.*, II. p. 235). The *lieutenant de justice* himself, Jean Curtef, the judicial officer of the state, was convicted of fornication, imprisoned three days on bread and water, degraded from office and compelled to seek pardon of the two hundred. He was six months later elected first syndic, Feb. 4, 1537, contrary to law (*Registres du Conseil*, Vol. XXX., fol. 164^{vo}. Cf. Gautier, *Hist. Gen.*, II. 526). The complaints of Farel before the council (May 19 and Sept. 8), the accounts of Fromment, though probably exaggerated, Fromment's own life and descriptions, the conduct of such leading men as Curtef, Goulaaz, Bonivard, suggest a considerable, though not surprising, amount of dissoluteness and vice. Cf. Kampschulte, *Calvin*, I. 206-207, w. Roget, *S. et G.*, II. 271, etc. The natural tendency of eulogists of Protestantism or the Calvinistic system has been to exaggerate the evil life in Geneva before Calvin's arrival. Such Genevans as the two Galiffes are partisans of the other sort. The number of cases recorded in the *Procès Criminel* may be given for what they are worth: 1535, 16; 1536, 6; 1537, 3; 1538, 4; 1539, 13; 1540, 21; 1541, 6; 1542, 5; 1543, 17; 1544, 2; and for the next ten years, 34, 18, 12, 4, 7, 5, 6, 10, 15, 20, respectively (1545-1554); with a remarkable increase for ten last years of Calvin's rule; viz., 43, 49, 88, 95, 87, 68, 54, 92, 76, 86 (1555-1564). This gives an average for the first decade of the reform (1535-1544) of 8.5; for the second (1545-1554) 12.4, and for the third decade (1555-1564) of 73.8 cases recorded in the *Procès Criminel* per year! This increase of over eight-fold might indicate either more crime or more rigid prosecution (probably the latter) in the third decade when the Calvinistic, puritan, conception had won its decisive victory. The number decreased strikingly in the time of Beza (1564-1605); viz., 43.5 for the first, 5.3 for the second, 5.2 for the third, and 6.4 for the fourth decade, if the records were accurately kept; no entries occur for 1574-1579, 1590-1594, 1596-1599.

assembly for Sunday.¹ The taking of the solemn oath "to live according to the Gospel and the Word of God," "sworn before God" alone by the whole body of citizens with uplifted hands, is a striking scene, significant in the history of democracy and religious liberty.

Sunday, May 21, 1536.

The *Conseil Général* in the cloister [of St. Peter's].

According to the resolution of the Little Council (*conseil ordinaire*), the *Conseil Général* was assembled by customary sound of bell and trumpet. And by the voice of M^r. Claude Savoy, first syndic, were proposed the resolutions of the *conseil ordinaire* and of the Council of Two Hundred, touching the manner of living . . . viz., to live according to the Gospel and the Word of God as has been since the abolition of the mass [Aug. 10, 13, 1535] and is now preached always among us; without further desire or wish for masses, images, idols or other papal abuses whatever. Whereupon, without any dissenting voice, it was generally voted, and with hands raised in air resolved and promised and sworn before God, that we all by the aid of God desire to live (*volons vivre*) in this holy evangelical law and Word of God, as it has been announced to us, desiring to abandon all masses, images, idols, and all that which may pertain thereto, to live in union and obedience to justice. . . . Also voted to try to secure a competent man for the school, with sufficient salary to enable him to maintain and teach (*nourrir et enseigner*) the poor free; and that every one be bound to send his children to the school and have them learn; and all pupils and teachers (*escolliers et aussi pedagoges*) be bound to go into residence (*aller faire la résidence*) at the great school where the Rector and his Bachelors shall be.²

Taken in the order of their historic development (1528-1536), there are four principles in the Genevan Protestant state:

1. Obedience to the independent, civil government.
2. Rejection of "papal abuses."
3. Adoption of the "Word of God," "as preached," as the standard of life.
4. Establishment of universal, primary education, free to the poor.³

To transform this Protestant into a Puritan state, it was necessary to add:

1. Establishment of the Church as a distinct organism with co-ordinate and constitutional rights with the State (1541), thus lim-

¹ *Registres du Conseil*, Vol. XXIX., fol. 112. The complaint as to morals is based on statement in Roset, *Chron. d. Gen.*, p. 262 (ed. 1894). Sunday had been and remained under Calvin the day for primary assembly.

² *Registres du Conseil*, Vol. XXIX., fol. 112, Sunday, May 21, 1536. The vote has been frequently reprinted; e. g., *Calvini Opera*, XXI. 202. The number of citizens in Geneva in 1536 capable of voting in *conseil général* is estimated by E. Mallet as 1,000 to 1,500 (*La Suisse Hist. et Pittoresque* [Geneva, 1855-1856], II. 552). Saunier had been elected rector at a salary of 100 écus of gold, by the two hundred, May 19; see *Registres du Conseil*, Vol. XXIX., fol. 112; *Calvini Opera*, XX. 201-202; and F. Buisson, *Sebastien Castellion*, I. 123.

³ There was provision for both girls and boys in the vote of May 21, 1536. The girls were to be apart as before, and all boys were to come to the great school. *Registres du Conseil*, Vol. XXIX., fol. 112.

iting the latter's ecclesiastical power and preventing absorption of Church by State ("caesaropapism").

2. Definite organization of creed and religious training including catechism (1537); discipline and supervision of morals (1541); including substitution of new marriage laws for old canon law (1561).

3. Unflinching enforcement of the "Word of God" in all matters of daily life—moral and social, private and public, and upon all inhabitants (1555).

4. University education, to train for Church and State (1559).

5. A different temper and fibre — conscientious, unyielding, unflinching, austere (1555).

By August, 1536, before she came under Calvin's influence, Geneva had won her independence against her enemies, duke and bishop, after nearly twenty years of warfare, and against the "salvage" claims of her ally Bern. In the process, the state, or more accurately its civil magistrates, had taken over the following large executive, legislative and judicial powers — military, diplomatic and religious: the trial and execution or pardon of criminals; declaration and conduct of offensive and defensive warfare; making and breaking of alliances; the conquest, and civil and religious administration of subject territory; coining money; acquisition of church property and diversion to new ends; regulation of religion — including certain articles of creed and worship, appointment of ministers and even pronouncing of absolution; regulation of private morals; and establishment of compulsory primary education. But it was rather the two councils than the commune itself that gained and exercised these powers. The primary assembly, it is true, had decided on alliances, and formally sanctioned the reformation and compulsory primary education. It also elected four syndics, a treasurer and secretary, and a lieutenant of justice with inferior jurisdiction. But all the other newly acquired powers enumerated above had been exercised by two councils which elected each other.¹

¹ After 1530, the two hundred elected the little council; the little council then elected the two hundred, *i. e.*, 175 members besides themselves. These elections usually occurred respectively on the Monday and Tuesday following election of syndics, 1st Sunday in February. The four syndics of the previous year remained as members of the little council; the treasurer and four new syndics were elected by the primary assembly, leaving sixteen to be elected by the two hundred. As the council of sixty elected by the little council acted so very rarely, it has seemed much simpler to follow actual conditions and speak regularly of the two active councils (twenty-five and two hundred). The functions of the state (though not then distinguished) may be analyzed as follows: (1) Executive; syndics and little council. (2) Legislative, usually the little council (*ordinaire*); in difficult or important cases, the two hundred; elections of chief officers by primary assembly (*conseil général*). (3) The judicial arrangements were as follows in 1536: (a) Supreme court in criminal cases, syndics and little council (*conseil ordi-*

The primary assembly was rarely called, and nearly all the executive and legislative steps in the progress of independence and reform had been taken by two bodies of magistrates, the little council of twenty-five, and the council of two hundred. Under normal circumstances, the members of both these bodies continued in office, save for malfeasance. Even the four syndics and other executive officers elected by the primary assembly were almost invariably chosen from the double list of nominees presented to it by the two hundred, which had in turn revised the nominations presented by the little council.¹

Geneva, then, had developed independence and civil rights, but neither democracy nor directly representative government. She had taken steps in this direction, and in two vital civil and religious changes the people, the "commune," had acted in their sovereign capacity. But, on the other hand, there had been, in the fierce struggle for independence and order, a marked and continued tendency from the middle of the fifteenth century to concentrate power in the hands of a few men, conservative, responsible, and experienced.² It is an instructive experiment in a system of "mixed

naire). But the two hundred possessed right of pardon and in extreme cases the court consisted of 16 members of two hundred in addition to little council. (b) Police and civil court of first instance (replacing *vidomme* after Nov. 14, 1529), consisting of lieutenant of justice and four assistants (*auditeurs*) elected by *conseil général* (annually in November). The lieutenant was re-eligible only after three years. (Cf. Bonivard, *L'Anc. et Nouv. Pol.*, p. 29.) (c) *Procureur général* (1534), who intervened in all processes where public interest was at stake and was legal representative of minors and those under disabilities. See H. Fazy, *Constitutions de Genève*, p. 39; Bonivard, *L'Anc. et Nouv. Pol.*, 29; E. Mallet, *Coup d'Oeil, Hist. et Pitt.*, p. 552; Gautier, *H. d. G.*, II. 405, 546. See also *Registres du Conseil*, Vol. XXIX., fols. 1-4, Vol. XXVIII., fol. 209, Feb. 6, 1535, Vol. XXV., fol. 230, Feb. 8, 1534 (or Vol. XXVI., fol. 210^o); and other references to *Registres du Conseil* cited above.

¹ The assembly, however, possessed the right to elect its own choice in place of any or all nominees for syndic. Feb. 6, 1536, it exercised this right in electing Hemioz Levet. *Registres du Conseil*, Vol. XXIX., fol. 1.

² For fifteenth century see above, pp. 220-222 and notes. For later developments, see powers exercised by council referred to above, pp. 236-237. The danger is recognized by the *commune* and expressed in: the defeat of every caucus nominee by the *conseil général*, 1458; the provision of 1459 for reading franchises and hearing individual complaints; the *conseil général's* reassertion and assertion of taxing power, 1460; by intrigues to upset the two hundred (see *Reg. Con.*, vote Feb. 8, 1534, Vol. XXV., fol. 230); by provision against re-election of syndics before 3 yrs. (1518); and by revolutionary events of 1537-1540. In the list of magistrates and councils a strikingly small number of names occurs, but the same ones recur constantly. *E. g.*, of the eleven unsuccessful candidates for syndics, treasurer, and secretary for the chamber of accounts, in the vote of *conseil général*, Feb. 6, 1541, all but two were consoled by positions in two councils. See *Registres du Conseil*, Vol. XXXV., fols. 52-56, Feb. 6, 7, 9, 1541. Compare also the lists of syndics, lieutenants and councillors in appendices to vols. of Roget, *Hist. d. Peuple d. Gen.*

aristocracy" and democracy, the system advocated by Calvin after seven years' experience, and by John Winthrop in Massachusetts Bay, a century later.¹ It had its efficiency. But it also had its dangers. The latter were averted in Geneva in part by the mettlesome spirit of the "*commung people*," who asserted their somewhat tumultuous sovereignty in the stormy years, 1537-1541; and in part by the influence of the "preachers" and the church in the endeavor to maintain their rights and prevent the absorption of all power by the magistrates. It is noteworthy that in the seventeenth and early eighteenth centuries, when both Calvin and Beza were gone, and there were no ministers strong enough to check the oligarchic tendency, the power of the magistrates and of the citizens with exclusive privileges, developed into a dangerous political and social aristocracy, which was attacked in the three revolutions of 1707, 1735-1738, and 1782, antedating the French Revolution of 1789.²

Several things, it is well to note, Geneva had *not* adopted before Calvin. She had not adopted democracy. She had distinctly repudiated the noble plea of honest and loyal Jean Balard for freedom of conscience. She had refused her inhabitants liberty in matters of worship even outside the city—saying to her old and honored families, conform or "go where you can do these things."³ She had not adopted personal liberty, but had continued to pass restrictive legislation regulating prices, amusements, hair-dressing, hours and amount of drinking, attendance on sermons, non-observance of holidays.⁴ The Genevan church as an organism cannot be said to have existed before Calvin. It had neither formal creed nor system

¹ Calvin's *Institutes*, ed. 1543, ch. XX., sec. 7, *Calv. Op.*, I. 1105; Winthrop, *Arbitrary Government described and the Government of the Mass. vindicated from that Aspersion* (1644), in R. C. Winthrop, *Life of John Winthrop*, II. 440-458 [ed. 1869].

² For the comparatively unknown period of Beza, see the recent careful study from the sources, by Eugène Choisy, *L'Etat Chrétiens Calviniste à Genève au Temps de Théodore de Bèze* (1902). To M. Choisy and to Professor Chas. Borgeaud of the University of Geneva I am indebted for suggestions on this later aristocratic development and on many other points. Professor Borgeaud has emphasized the democratic tendencies of the Reformation in his suggestive *Rise of Modern Democracy in Old and New England* (1894), and his monumental *Histoire de l'Université de Genève, L'Academie de Calvin, 1559-1798* (Geneva, 1900). The long and strong aristocratic tendency before Calvin in Geneva has not, so far as I know, been made clear. Only with this perspective can Calvin's tendencies be rightly judged. For 18th century, see E. Mallet, *Coup d'Œil*, etc., II. 554-556.

³ The language is that employed in the case of Girardin de la Rive, but the policy is characteristic; cf. action in case of Balard, and five others, Sept. 4, 1536. See above, p. 232, n. 5.

⁴ See above, pp. 229-231 and notes.

of religious training. It had no rights of either property, discipline, revision of membership, or choice or dismission of pastors.¹

The Genevan commonwealth of 1536 had won independence and abolished papal abuses, but had not established democracy or personal liberty, nor organized a new church. Her people had grown mettlesome and obstinate in defense of chartered rights and newer liberties, but they were even yet, "for the most part, thoughtless and devoted to their pleasures." Her institutions and popular temper were vigorous but still plastic. Neither institutions nor temper had yet produced any striking contribution to human development, but the institutions were adaptable and the people capable of remarkable development, under conviction and devotion to a definite programme or goal.²

¹ "The external forms of worship, the public prayers, the place of the sermon, the rites of baptism and of the Holy Communion, the celebration of marriage must have been fixed after the rules laid down in a little publication drawn up no doubt by Farel and published in 1533 under the title, *La manière et fasson*," etc. (Rilliet et Dufour, *Premier Catéchisme de Calvin* (1537), p. xv.)

² There is no adequate exposition of the Genevan temper ("mentality," for lack of a better word) before the arrival of Calvin. It can best be understood from the deeds and from the contemporary writings of Bonivard, Fromment and his vigorous wife, Marie d'Enté (see her *Épistre très Utile*, 1539, extracts in Herminjard, *Corr. d. Ref.*, V. 302 ff.), Ballard, Jeanne de Jussie, and from the things prohibited. Many of the criticisms of Genevan immorality before the Reformation overshoot the mark. No people utterly devoted to license could have so strenuously maintained their independence almost continually for centuries, and against such odds. Even the curious regulations of vice show not only its presence but a constant attempt to repress it. The Genevans, in fact, were not a simple, but a complex, cosmopolitan people. There was, at this crossing of the routes of trade, a mingling of French, German and Italian stock and characteristics; a large body of clergy of very dubious morality and force; and a still larger body of burghers, rather sornder and far more energetic and extremely independent, but keenly devoted to pleasure. It had the faults and follies of a medieval city and of a wealthy center in all times and lands; and also the progressive power of an ambitious, self-governing and cosmopolitan community. At their worst, the early Genevans were noisy and riotous and revolutionary; fond of processions and "mummeries" (not always respectable or safe), of gambling, immorality and loose songs and dances; possibly not over-scrupulous at a commercial or political bargain; and very self-assertive and obstinate. At their best, they were grave, shrewd, business-like statesmen, working slowly but surely, with keen knowledge of politics and human nature; with able leaders ready to devote time and money to public progress; and with a pretty intelligent, though less judicious, following. In diplomacy they were as deft, as keen at a bargain and as quick to take advantage of the weakness of competitors, as they were shrewd and adroit in business. They were thrifty, but knew how to spend well; quick-witted, and gifted in the art of party nicknames. Finally, they were passionately devoted to liberty, energetic, and capable of prolonged self-sacrifice to attain and retain what they were convinced were their rights. On the borders of Switzerland, France, Germany and Italy, they belonged in temper to none of these lands; out of their Savoyard traits, their wars, reforms and new-comers, in time they created a distinct type, the Genevese. This perhaps bold attempt of one from another continent to suggest the two sides of this very complex but very human and interesting folk may be concluded with a quotation from a Genevan representing many of the above somewhat contradictory characteristics: "One might kill them rather than make them consent to that from which they had once dissented. . . .

In August, 1536, there settled in Geneva a young French theologian and jurist, then in his twenty-eighth year, possessed of the attributes needed by Geneva—unflinching moral conviction and a systematic programme. The next twenty-eight years, the second half of Calvin's life, were devoted to systematizing Genevan institutions and tempering her citizens.¹ The new generation of Genevese, bred on Calvin's catechism, disciplined by his consistory, and recruited by the exiles from other lands, was a new folk. Hardened by war, they were still more finely tempered by conviction and moral discipline. Their state was definitely organized and their institutions were crystallized into written codes. In 1564, within a year from the time when the Council of Trent had completed its programme of Catholicism, Calvin had finished his career and Geneva had become the living exemplar of the new fighting creed of Protestantism. Geneva and Calvin together accomplished what neither could have done alone; they produced a new force in the world. The little Protestant state, reorganized on the basis of Calvin's ideas, became a Biblical commonwealth, ruthlessly conscientious, intellectual, independent, business-like and successful—in a word, a Puritan state.

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Otherwise, they were for the most part thoughtless (*sans soucy*) and devoted to their pleasures; but the war, necessarily, the reformation of religion, voluntarily, withdrew them therefrom. . . . Many pleasant buildings (which) were destroyed, both to ensure the city from its enemies and to remove papal superstitions; in such wise that its beauty has been lessened to augment its force.¹ The value of this frank characterization is not lessened by the fact that Calvin and Geneva found Bonivard's *Chronicle* too rude to publish. Bonivard, *Chroniques de Genève*, Revilliod's ed. (Gen., 1867), p. 35. Cf. the unknown author quoted by Rogert, *S. et G.*, II. 121, "I did not prefer beauty to honesty,—I ruined my beauty to save my honor and instead of Geneva the beautiful became Geneva the valiant" (*et pulchra fortis facta Geneva vocor*).

¹ Even during the three years of exile (1538-1541), Calvin devoted much time to Genevan conditions and the larger relations which involved Geneva.